

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Science, Technology and Environment

Notification

14/2/88-STE

In exercise of the powers conferred by sub-section (1) of section 54 of the Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981) and in consultation with the Goa State Pollution Control Board, the Government of Goa hereby makes the following rules so as to amend the Air (Prevention and Control of Pollution) Rules, 1989, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa Air (Prevention and Control of Pollution) (First Amendment) Rules, 1989.

(2) They shall come into force at once.

2. *Insertion of new rules.*—In the Goa Air (Prevention and Control of Pollution) Rules, 1989 (hereinafter referred to as "principal Rules"), after rule 19, the following shall be inserted, namely:—

CHAPTER IX

20. *A. Directions.*—(1) Any direction issued under section 31 A shall be in writing.

(2) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.

(3) The person, officer or any authority to whom any direction is sought to be issued, shall be served with a copy of the proposed direction, and shall be given an opportunity of not less than 15 days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.

(4) Where the proposed direction is for the stoppage or regulation of electricity or water or

any other service affecting the carrying of any industry, operation or process and is sought to be issued to an officer or an authority, a copy of the proposed direction shall also be enclosed to the occupier of the industry, operation or process as the case may be, and objections if any, filed by the occupier with an officer designated now in this behalf shall be dealt with in accordance with the procedure under sub-rule (3) and (5) of this rule.

(5) The Board shall within a period of 45 days from the date of receipt of the objections, if any, or from the date up to which an opportunity is given to the person, officer or authority to file objections, whichever is earlier, after considering the objections, if any received from the person, officer or authority sought to be directed and for reasons to be recorded in writing, confirm, modify or decide not to issue the proposed direction.

(6) In a case where the Board is of the opinion that in view of the likelihood of a grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed direction, it may for reasons to be recorded in writing, issue directions without providing such an opportunity.

(7) Every notice or direction required to be issued under this rule shall be deemed to be duly served—

(a) Where the person to be served is a Company, if the document is addressed in the name of the Company at its registered office or at its principal office or place of business and is either—

- (i) sent by registered post or
- (ii) delivered at its registered office or at the principal office or place of business;

(b) Where the person to be served is an officer serving Government, if the document is addressed to the person and a copy thereof is endorsed to his Head of the Department and also to the Secretary to the Government, as the case may be, incharge of the

Department in which, for the time being, the business relating to the Department in which the officer is employed is transacted, and is either —

- (i) sent by registered post; or
- (ii) is given or tendered to him;
- (c) In any other case, if the document is addressed to the person to be served; and —
 - (i) is given or tendered to him, or
 - (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land, or building, if any, to which it relates, or
 - (iii) is sent by registered post to that person.

Explanation: For the purposes of this sub-rule—

- (a) "company" means any body corporate and includes a firm or other association of individuals;
- (b) "a servant" is not a member of the family.

20. B. *Manner of giving notice.*—The manner of giving notice under clause (b) of sub-section (1) of section 43 shall be as follows, namely:—

- (i) The notice shall be in writing in Form VII
- (ii) The person giving notice may send it to:—
 - (a) Board and (b) Secretary to the Government Department of Environment.
- (iii) Notice shall be sent by registered post acknowledgement due; and
- (iv) period of sixty days mentioned in clause (b) of sub-section (1) of section 43 shall be reckoned from the date of its first receipt by one of the authorities mentioned above.

3. *Insertion of Form VII.*—In the principal Rules, after Form VI, the following Form shall be inserted, namely:—

"FORM VII
(See rule 20 B)
Form of Notice

By registered post acknowledgement due

FROM

Shri

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TO

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Notice under section 43(1)(b) of the Air (Prevention and Control of Pollution) Act, 1981.

Whereas an offence under the Air (Prevention and Control of Pollution) Act, 1981, has been committed/is being committed by (2)

I/We hereby give notice of 60 days under section 43(1)(b) of the Air (Prevention and Control of Pollution) Act, 1981 of my/our intention to file a complaint in the Court against (2) for violation of section(s) of the Air (Prevention and Control of Pollution) Act, 1981.

In support of my/our notice, I am/We are enclosing the following documents (3) as evidence of proof of violation of the Air (Prevention and Control of Pollution) Act, 1981.

.....
Signature (s)

Place

Date

Explanation:

- (1) In case the notice is given in the name of a Company, documentary evidence authorising the person to sign the notice on behalf of the Company shall be enclosed to this notice. Company for this purpose means a Company as defined in explanation to section 42 of the Air (Prevention and Control of Pollution) Act, 1981.
- (2) Here give the name and address of the alleged offender. In case of a manufacturing/processing operating unit, indicate the name/location/nature of activity etc.
- (3) Documentary evidence shall include photographs/technical reports/health reports of the area etc. for enabling enquiry into the alleged violation/offence."

By order and in the name of the Governor of Goa.

A. T. Fernandes, Under Secretary to the Govt. of Goa (S. T. E. Department).

Panaaji, 1st March, 1990.

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